

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

ELIZABETH CYRAN and FRANKLIN J.  
CYRAN,

Plaintiffs,

V.

Civil Action No. \_\_\_\_

SOVEREIGN BANK NEW ENGLAND,

Defendant.

## **NOTICE OF REMOVAL**

**To: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS**

Pursuant to 28 U.S.C. §§ 1441 and 1446 and 12 U.S.C. § 1464(x), defendant Sovereign Bank, erroneously named “Sovereign Bank New England” (“Sovereign”), hereby files this Notice of Removal in the above-captioned action and sets forth below the grounds for this Notice of Removal.

1. On or about September 21, 2007, plaintiffs Elizabeth and Franklin J. Cyran (the “Cyrans”) filed a Complaint with a jury demand (the “Complaint”) against Sovereign in the Superior Court of Hampden County, Massachusetts (Civil Action No. 2007-908). On or about September 28, 2007, Sovereign was served with a summons and a copy of the Complaint, together with its exhibits.

2. The Complaint asserts purported causes of action against Sovereign for breaches of contract and of M.G.L. c. 93A for issuing checks pursuant to a residential construction loan that were allegedly negotiated by the Cyrans' builder without required endorsements. The

Complaint seeks actual damages from Sovereign in the amount of \$84,125, plus consequential damages, treble damages, interest and attorneys' fees.

3. The Complaint alleges that the Cyrans are residents of Hardwick, Massachusetts. See Complaint at ¶¶ 1-2. The municipality of Hardwick is located in Worcester County, Massachusetts.

4. Defendant Sovereign is a federally-chartered savings association organized and existing under the laws of the United States. In accordance with 12 U.S.C. § 1464(x) (amended 2006), Sovereign is deemed to be a citizen only of the state in which it has its "home" office. Sovereign's home office, as set forth in its articles of association, is located in Pennsylvania. For purposes of diversity jurisdiction under 28 U.S.C. § 1332, Sovereign is thus a citizen of the Commonwealth of Pennsylvania. See 12 U.S.C. § 1464(x).

5. The United States District Court for the District of Massachusetts has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) because the dispute is between citizens of different states and the matter in controversy exceeds the sum or value of seventy-five thousand dollars (\$75,000).

6. A copy of all process and pleadings served upon Sovereign is being filed with this Notice of Removal and is attached hereto as Exhibit A.

7. Sovereign will provide written notice of the filing of this Notice of Removal as required by 28 U.S.C. § 1446(d), including filing a certified copy of this Notice of Removal with the clerk of the Superior Court of Hampden County, Massachusetts.

SOVEREIGN BANK,  
By its Attorneys,

/s/ J. Patrick Kennedy  
Donn A. Randall, BBO# 631590  
J. Patrick Kennedy, BBO# 565778  
Bulkley, Richardson and Gelinas, LLP  
One Post Office Square, Suite 3700  
Boston, Massachusetts 02109  
(617) 368-2500

Dated: October 3, 2007

**CERTIFICATE OF SERVICE**

I, J. Patrick Kennedy, hereby certify that a true and correct copy of the foregoing Notice of Removal was served via overnight delivery on this 3rd day of October, 2007, upon the plaintiff's counsel of record as follows:

David S. Noonan, Esq.  
228 Triangle Street  
Amherst, MA 01002

/s/ J. Patrick Kennedy  
J. Patrick Kennedy

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